

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
)  
    **Nathalie MOUGIN** ) Group Art Unit: 1619  
)  
Application No.: 10/734,181 ) Examiner: J. VENKAT  
)  
Filed: December 15, 2003 )  
)  
For: HAIR-COSMETIC COMPOSITION ) Confirmation No.: 2162  
      COMPRISING AT LEAST ONE )  
      FILM-FORMING GRADIENT )  
      COPOLYMER, AEROSOL )  
      COMPOSITION COMPRISING )  
      THE COSMETIC COMPOSITION )  
      AND METHOD FOR TREATING )  
      HAIR USING THE COMPOSITION )

**MAIL STOP AMENDMENT**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

***Via EFS Web***

Sir:

**TERMINAL DISCLAIMER**

Assignee, L'Oréal S.A., duly organized under the laws of FRANCE and having its principal place of business at 14, Rue Royale, 75008 Paris, FRANCE represents that it is the assignee of the entire right, title and interest in and to the above-identified application, Application No. 10/734,181, filed December 15, 2003 for HAIR-COSMETIC COMPOSITION COMPRISING AT LEAST ONE FILM-FORMING GRADIENT COPOLYMER, AEROSOL COMPOSITION COMPRISING THE COSMETIC COMPOSITION AND METHOD FOR TREATING HAIR USING THE COMPOSITION in the name of Nathalie MOUGIN, as indicated by the assignment duly recorded in the

United States Patent and Trademark Office at Reel 015362, Frame 0849 on May 24, 2004.

Assignee, L'Oréal S.A, further represents that it is the assignee of the entire right, title and interest in and to co-pending U.S. Patent Application No. 10/734,301, as indicated by the assignment duly recorded in the United States Patent and Trademark Office at Reel 015435, Frame 0630 on June 8, 2004.

To obviate a double patenting rejection, Assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of any patent issued from co-pending U.S. Application No. 10/734,301.

Assignee hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent issued from co-pending U.S. Application No. 10/734,301 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of any patent issued from co-pending U.S. Application No. 10/734,301, as presently shortened by any terminal disclaimer, in the event that any patent issuing from the co-pending application later expires for failure to pay a maintenance fee, being held unenforceable, being found

invalid by a court of competent jurisdiction, being statutorily disclaimed in whole or in part, being terminally disclaimed under 37 C.F.R. § 1.321, having all claims canceled by a reexamination certificate, being reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee of \$140.00 is being filed with this disclaimer.

If payment for the required fee is not filed concurrently herewith or if there are any additional fees due in connection with the filing of this Terminal Disclaimer, please charge the fees to our Deposit Account No. 06-0916. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to Deposit Account No. 06-0916

The undersigned is an agent of record.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: December 16, 2009

By:  \_\_\_\_\_

Wen Li  
Reg. No. 62,185 for

Lauren L. Stevens  
Reg. No. 36,691

Tel: (650) 849-6614  
Email: [lauren.stevens@finnegan.com](mailto:lauren.stevens@finnegan.com)